

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

MARKET-DOMINANT PRICE CHANGE

Docket No. R2020-1

**UNITED STATES POSTAL SERVICE RESPONSE
TO PROCEDURAL SCHEDULE COMMENTS**
(October 10, 2019)

The National Postal Policy Council, Greeting Card Association, and Major Mailers Association today asked the Postal Regulatory Commission to extend the review period for this docket beyond the schedule set forth in Commission Rule 3010.11.¹ The Postal Service opposes.

The parties ground their request in a rather expansive reading of the Court of Appeals' decision in *Carlson v. Postal Regulatory Commission*, No. 18-1328 (D.C. Cir. WL 4383260, Slip Op. Sept. 13, 2019). While the Postal Service disagrees with their reading, it would be premature at this juncture for the Commission to determine the impact of the Court's decision because – and the parties acknowledge this² – the decision has yet to take effect.³ The Court's mandate will not issue until November 4 at

¹ Comments on Procedure of the National Postal Policy Council, the Greeting Card Association, and the Major Mailers Association, Docket No. R2020-1 (Oct. 10, 2019).

² *Id.* at 2.

³ The Postal Service stands ready to brief the Commission on the potential effects of the decision if and when that becomes necessary.

the earliest.⁴ Should any party petition for rehearing, then the mandate's issuance would be stayed until such petition is ruled on.⁵

In any event, the parties have offered no explanation as to why the Commission would be unable to complete its review of the rates within the schedule set forth in the rule. Rule 3010.11 remains in effect,⁶ good cause has not been shown to justify deviating from it, and the Postal Service has invested significantly in its annual rate change implementation processes in reliance on the rule.⁷ The Postal Service therefore urges that the Commission disregard the parties' request and set the procedural schedule called for in the Commission's regulations.

Respectfully submitted,
UNITED STATES POSTAL SERVICE

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⁴ Fed. R. App. P. 41(b).

⁵ Order, *Carlson v. Postal Regulatory Commission*, No. 18-1328 (D.C. Cir. Sept. 13, 2019).

⁶ To be clear, the rule would govern even if the Court's mandate had issued, as the Court did not invalidate it.

⁷ See United States Postal Service Notice of Market-Dominant Price Change, Docket No. R2020-1 (Oct. 9, 2019), at 39 (stating that "the Postal Service notes that successfully converting its internal systems to new rates nationwide requires that programming and technical changes be finalized well in advance of implementation. As the Commission reviews this case, should it find cause to adjust the initial procedural schedule, the Postal Service requests that the Commission consult with the Postal Service on the Commission's timing needs, to avoid jeopardizing timely implementation of the new rates").